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CASE NAME: PONTO BEACHFRONT VILLAGE VISION
PLAN

WHEREAS, the **City of Carlsbad**, “Applicant,” has filed a verified application of Carlsbad regarding property described as

("the Property"); and

WHEREAS, the Planning Commission did again on the **5th and 19th** days of **September, 2007**, hold a duly noticed public hearing as prescribed by law to consider said request after preparation of an EIR for the project; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, examining the **Program EIR, Candidate Findings of Fact, Statement of**

1 **Overriding Considerations, and Mitigation Monitoring and Reporting Program**, analyzing
2 the information submitted by staff, and considering any written comments received, the Planning
3 Commission considered all factors relating to the **Program EIR**.

4
5 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
6 Commission as follows:

- 7 A) That the foregoing recitations are true and correct.
- 8 B) That the Final Program Environmental Impact Report **consists of the Final**
9 **Program Environmental Impact Report, EIR 05-05, dated August 2007,**
10 **appendices, written comments and responses to comments**, as amended to
11 include the comments and documents of those testifying at the public hearing and
12 responses thereto hereby found to be in good faith and reason by incorporating a
13 copy of the minutes of said public hearing into the report, **all on file in the**
14 **Planning Department incorporated by this reference, and collectively**
15 **referred to as the "Report."**
- 16 C) That the Program Environmental Impact Report, **EIR 05-05**, as so amended and
17 evaluated is recommended for acceptance and certification as the final Program
18 Environmental Impact Report and that the final Program Environmental Impact
19 Report as recommended is adequate and provides reasonable information on the
20 project and all reasonable and feasible alternatives thereto, including no project.
- 21 D) That based on the evidence presented at the public hearing, the Planning
22 Commission hereby **RECOMMENDS CERTIFICATION** of the Program
23 Environmental Impact Report, **EIR 05-05; RECOMMENDS ADOPTION** of
24 **the Candidate Findings of Fact ("CEQA Findings"), and the Statement of**
25 **Overriding Considerations ("Statement"), attached hereto marked as Exhibit**
26 **"EIR-A" and incorporated by this reference; and of the Mitigation**
27 **Monitoring and Reporting Program ("Program"), attached hereto marked**
28 **as Exhibit "EIR-B" and incorporated by this reference; based on the**
following findings and subject to the following conditions.

23 **Findings:**

- 24 1. The Planning Commission of the City of Carlsbad does hereby find that the **Final**
25 **Program EIR 05-05**, the Candidate Findings of Fact, the Mitigation Monitoring and
26 Reporting Program, and the Statement of Overriding Considerations have been prepared
27 in accordance with requirements of the California Environmental Quality Act, the State
28 EIR Guidelines, and the Environmental Review Procedures of the City of Carlsbad.
2. The **Planning Commission** of the City of Carlsbad has reviewed, analyzed, and
considered **Final Program EIR 05-05**, the environmental impacts therein identified for
this project; the Candidate Findings of Fact ("Findings" or "CEQA Findings") and the
Statement of Overriding Considerations attached hereto as **Exhibit "EIR-A,"** and the

Mitigation Monitoring and Reporting Program ("Program") attached hereto as **Exhibit "EIR-B,"** prior to **RECOMMENDING APPROVAL** of this project.

3. The **Planning Commission** finds that **Final Program EIR 05-05** reflects the independent judgment of the City of Carlsbad **Planning Commission**.
4. The **Planning Commission** does accept as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the CEQA Findings (**Exhibit "EIR-A"**), including feasibility of mitigation measures pursuant to Public Resources Code 21081 and CEQA Guidelines 15091, and infeasibility of project alternatives.
5. The **Planning Commission** hereby finds that the Program (**Exhibit "EIR-B"**) is designed to ensure that during project implementation, the Developer and any other responsible parties implement the project components and comply with the feasible mitigation measures identified in the CEQA Findings and the Program.
6. Although certain significant or potentially significant environmental effects caused by the project will remain, even after the adoption of all feasible mitigation measures and any feasible alternatives, there are specific economic, social and other considerations that render the unavoidable significant adverse environmental effects acceptable, as set forth in the Statement.
7. The Record of Proceedings for this project consists of **The Report, CEQA Findings, Statement and Program; all reports, applications, memoranda, maps, letters and other planning documents prepared by the planning consultant, the environmental consultant, and the City of Carlsbad that are before the decision makers as determined by the City Clerk; all documents submitted by members of the public and public agencies in connection with the Program EIR; minutes of all public meetings and public hearings; and matters of common knowledge to the City of Carlsbad which they may consider, including but not limited to, the Carlsbad General Plan, Carlsbad Zoning Ordinance, South Carlsbad Coastal Redevelopment Plan, Poinsettia Shores Master Plan, Poinsettia Properties Specific Plan, and Local Facilities Management Plan** which may be found at **1200 Carlsbad Village Drive** in the custody of the City Clerk, and **1635 Faraday Avenue** in the custody of the Director of Planning.

Conditions:

1. All future developers shall implement the mitigation measures described in Exhibit "EIR-B," the Mitigation Monitoring and Reporting Program, for the mitigation measures and monitoring programs applicable to development of the Ponto Beachfront Village Vision Plan.
2. Exhibit "A" shall be amended to include the following under the heading of (2) **Biological Resources** Direct Impacts and Exhibit "B" shall be amended to include **Mitigation Measure B-7a:**

Jurisdictional Areas

1 **Impact B-7: With implementation of the project, Impact B-7 would result in significant**
2 **secondary impacts to the native plant and animal communities of the north shore of the**
3 **Batiquitos Lagoon adjacent to the project site including light overspill and predatory bird**
4 **perching.**

5 **Mitigation Measure B-7a: The mitigation measure specified in the FEIR has been imposed**
6 **upon the project as a condition of approval, requiring that a minimum seventy-five (75)**
7 **foot structural setback shall be provided from the top of the southerly bluff edge and the**
8 **setback shall be restricted to passive public park uses only.**

9 **3. Mitigation Measure N3-b under the heading of (5) Noise Onsite Vehicular Noise in**
10 **Exhibit "A"; and Mitigation Measure N3-b in Exhibit "B" shall be amended to read**
11 **as follows:**

12 **Through site plan review and to the satisfaction of the final decision makers, the location of**
13 **driveways, service areas and building entrances associated with hotel uses in the Tourist**
14 **Commercial zone, to the greatest extent feasible, shall be located and physically buffered**
15 **with a combination of setbacks, landscaping, berms, and or walls to minimize mobile and**
16 **stationary noise impacts on residential uses.**

17 **4. Exhibit "A" shall be amended to include the following under the heading of (2)**
18 **Biological Resources Direct Impacts and Exhibit "B" shall be amended to include**
19 **Mitigation Measure B1-h:**

20 **Mitigation Measure B1-h: The mitigation measure specified in the FEIR has been**
21 **imposed upon the project as a condition of approval requiring that, to the greatest extent**
22 **feasible, all offsite mitigation shall be located adjacent to the Batiquitos Lagoon as a**
23 **primary effort and within the City limits of Carlsbad as a secondary effort.**

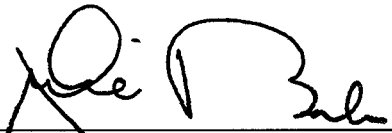
1 PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning
2 Commission of the City of Carlsbad, California, held on the **19th** day of **September, 2007**, by
3 the following vote, to wit:
4

5 AYES: Chairperson Baker, Commissioners Boddy, Cardoso, Dominguez,
6 Douglas, Montgomery, and Whitton

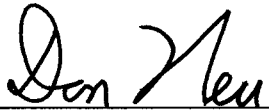
7 NOES:

8 ABSENT:

9 ABSTAIN:

10
11 
12 _____
13 JULIE BAKER, Chairperson
CARLSBAD PLANNING COMMISSION

14 ATTEST:

15 
16 _____
17 DON NEU
18 Planning Director
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